

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 07-CR-247

MANUEL ARGUIJO-CERVANTES
Defendant.

ORDER

Defendant Manuel Arguijo-Cervantes has filed a “Motion for Sentence Relief Under the Federal Prison Bureau Non-Violent Offender Relief Act of 2003.” The motion cites an amendment to 18 U.S.C. § 3624, adding § 3624(g), which would direct the Bureau of Prisons to release from confinement a prisoner who has served one-half or more of his sentence if he is at least forty-five years old, has never been convicted of a crime of violence, and has not violated institution rules. This provision was apparently introduced in the House of Representatives, but it has not been enacted into law. See United States v. Velasco, No. 99-CR-0066, 2009 WL 3424187 (N.D. Okla. Oct. 23, 2009).

District courts may reduce a prison sentence only as permitted by specific statute or rule. See Fed. R. Crim. P. 35; 18 U.S.C. § 3582; Romandine v. United States, 206 F.3d 731, 735-36 (7th Cir. 2000). Congress has not amended § 3624 to authorize reduction of a sentence as requested in defendant’s motion. See Velasco, 2009 WL 3424187, at *1; see also United States v. Willis, No. 04-CR-190, 2007 WL 2703019 (E.D. Wis. Sept. 12, 2007) (noting that the sentencing court lacks authority to order pre-release under § 3624(c)). Defendant cites no other basis for his request.

THEREFORE, IT IS ORDERED that the motion (R. 15) is dismissed for lack of jurisdiction.

Dated at Milwaukee, Wisconsin, this 10th day of February, 2010.

/s Lynn Adelman

LYNN ADELMAN
District Judge